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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Confirmation No.: 8381
)
Noboru HORIGUCHI) Art Unit: 1743
)
Serial No.: 10/676,107) Examiner: Wallenhorst, Maureen
)
Filed: October 2, 2003)
)
For: BLOOD TESTING METHOD)

STATEMENT OF THE SUBSTANCE OF INTERVIEW OF MARCH 6, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A telephone interview with the Examiner was conducted on March 6, 2007.

1. Brief Description of any exhibit shown or demonstration conducted

The only exhibit was the proposed response sent to the Examiner by facsimile on March 5, 2007, a copy of which is attached hereto.

2. Identification of claims discussed

All claims were discussed with emphasis on claim 1.

3. Identification of specific prior art discussed

GB 996,089

4. Identification of the principal proposed amendments of a substantive nature

See the New claims presented in the attached, proposed response.

5. A brief identification of the general thrust of the principal arguments presented to the Examiner

See, especially, the arguments presented at pages 5-7 of the attached "Proposed Response".

6. A general indication of any other pertinent matters discussed

None

7. The general results or outcome of the interview.

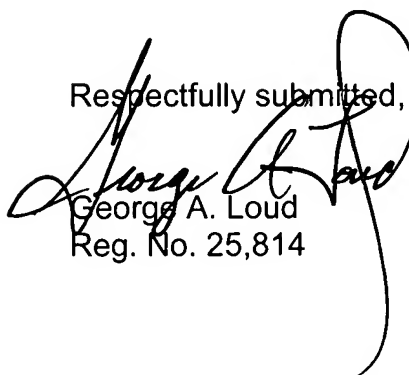
The Examiner explained that she is relying on the background teaching of the reference relating to Fig. 3, rather than the description of the method of preservation of blood which follows and which is the “invention”, as characterized by the reference. The “Proposed Response” (copy attached), which was forwarded to the Examiner by facsimile on March 5, 2007, interpreted the explanation of the obviousness rejection, as set forth in the office action, as improperly combining the description of the inventive blood preservation method with description of a protocol used in experimentation to determine the source of the problem, i.e. why the storage time of erythrocytes at 4° C in actual practice was “less than 30 days” whereas the theoretical storage time of erythrocytes at 4° C projects to 1200 days based on the levels of lactic acid obtained from blood samples incubated at various temperatures as shown in Fig. 1.

The rejection of claims 1-10 for obviousness over GB Patent No. 996,089 in view of Barrett-Reis et al is respectfully traversed. In the interview the Examiner denied that she is combining teachings of GB'069 relating to (1) features of the inventive blood preservation method with (2) the experimental methodology which generated Fig. 3 and explained that she is relying on the secondary reference as teaching steps (a) – (g) of applicants' claim 1. However, at the bottom of page 3 of the office action the Examiner writes: “The method [taught by GB'069] comprises removing a portion of the metabolic products (i.e. lactic acid) ... “ The only teaching in GB'069 of “removing a portion of the metabolic products” relates to the inventive blood preservation method, not the methodology which produced the data of Fig. 3. As explained in the proposed response, features of the inventive blood preservation method (storage with refrigeration) cannot properly be combined with the Fig. 3 methodology. The “buffered saline solution” of GB'069, referred to by the Examiner at page 3 of the office action, is mentioned in GB'069 only in connection with the inventive blood preservation method. There is no disclosure in GB'069 of the suspension medium used in the testing which generated Fig. 3.

New Claims 11-16

The examiner indicated that claims 11-14 appear to be patentable over the prior art of record.

Respectfully submitted,



George A. Loud
Reg. No. 25,814

Dated: April 5, 2007

Atty. Docket No. H013006/GAL
BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, Virginia 22314
Telephone: (703) 683-0500



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J. ERNEST KENNEY
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 GEORGE A. LOUD
 BENJAMIN E. URCIA*
 JUSTIN J. CASSELL
 JOHN R. SCHAEFER
 SCOTT A. BRAIRTON
 PATRICK M. BUECHNER

GEORGE CHUNG CHIN CHEN:

* BAR OTHER THAN VA.
 ‡ REG PATENT AGENT

LAW OFFICES

BACON & THOMAS, PLLC

625 SLATERS LANE - FOURTH FLOOR
 ALEXANDRIA, VIRGINIA 22314-1176
 U.S.A.

TELEPHONE
 (703) 683-0500

FACSIMILE
 (703) 683-1080
 (703) 683-0884

E-Mail
 mail@baconthomas.com

FACSIMILE COMMUNICATION

To: Examiner Maureen Wallenhorst

Fax #: 571-273-1266

Re: USSN 10/676,107 - Telephone Interview
 Scheduled for 2:00, Tuesday, March 6th

From: George Loud

Total pages: 10

Date: 3-5-2007**Confidential/Privileged**

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Thank you, BACON & THOMAS, PLLC.

Message:

Transmitted herewith is a proposed response for your review, in preparation for our telephone interview scheduled tomorrow.

J. ERNEST KENNEY
EUGENE MAR
RICHARD E. FICHTER
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BENJAMIN E. URCIA*
JUSTIN J. CASSELL
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LAW OFFICES

BACON & THOMAS, PLLC

625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 22314-1176
U.S.A.

TELEPHONE
(703) 683-0500

FACSIMILE
(703) 683-1080
(703) 683-0884

E-Mail
mail@baconthomas.com

GEORGE CHUNG CHIN CHEN‡

* BAR OTHER THAN VA.
‡ REG. PATENT AGENT

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